

MAY 06 2004

OFFICIAL

PATENT

=Practitioner's Docket No. DOW-8544-CJ

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lai, Shih- Yaw, et al.

Application No.: 10/727,970

Group No.: 1713

Filed: 12/04/2003

Examiner: Roberto Rabago

For: Elastic Substantially Linear Olefin Polymers

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

- ☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents,
Washington, D.C. 20231
37 CFR 1.8(a)
- ☐ with sufficient postage as first class mail ☐ As "Express Mail Post Office to Addressee" Mailing Label No. 37 CFR 1.10

Transmission

- ☒ transmitted by facsimile to Fax No.: 703 872 9306 addressed to Examiner Roberto Rabago at the U.S. Patent and Trademark Office.

Date: May 6, 2004

Rosen Strong

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. Section 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Alan E. Wagner, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER

(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent Nos. 6,737,484; 5,525,695; 5,380,810; 6,534,612; 6,136,937 and 5,783,638 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting

MEX/220201.1

(Terminal Disclaimer to Obviate a Double Patenting Rejection—page 1 of 2)

05/12/2004 FFRMER 0000002 04512
01 FC:1814

USSN 10/727,970

Terminal Disclaimer

rejection, namely, Patent Nos. 6,737,484; 5,525,695; 5,380,810; 6,534,612; 6,136,937 and 5,783,638, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 10/354,416, filed on January 30, 2003, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 10/354,416, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

Other than a small entity—fee \$110.00.

FEE PAYMENT

Charge Deposit Account No. 04-1512 the sum of \$110.00.

Charge Account No. 04-1512 for any fee deficiency.

Date: May 6, 2004

Reg. No.: 45,188
Tel. No.: 414-273-2100
Customer No.: 29423

Alan E. Wagner
Signature of Practitioner

Alan E. Wagner
Whyte Hirschboeck Dudek S.C.
555 East Wells Street, Suite 1900
Milwaukee, WI 53202-3819

002/724297.1

(Terminal Disclaimer to Obviate a Double Patenting Rejection--page 2 of 2)